

1 PAUL L. REIN, ESQ. (SBN 43053)
2 CELIA MCGUINNESS, ESQ. (SBN 159420)
3 CATHERINE CABALO, ESQ. (SBN 248198)
4 LAW OFFICES OF PAUL L. REIN
5 200 Lakeside Drive, Suite A
6 Oakland, CA 94612
7 Telephone: 510/832-5001
8 Facsimile: 510/832-4787
9 reinlawoffice@aol.com

6 STEVEN L. DERBY, ESQ. (SBN 148372)
7 THE DERBY LAW FIRM P.C.
8 1255 Treat Blvd. Suite 300
9 Walnut Creek, CA 94597
10 Telephone: 925/472-6640
11 Facsimile: 925/933-3964
12 derby@derbydisabilitylaw.com

10 Attorneys for Plaintiff/Counter-defendant
11 KELLY TOPPING and Plaintiff MAX
12 WADMAN

12 * *Defendants' counsel listed after the caption.*

13 IN THE UNITED STATES DISTRICT COURT
14 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 MAX WADMAN and KELLY
16 TOPPING,
17 Plaintiffs,
18 v.
19 DISCOVERY BAY YACHT HARBOR,
20 LLC; NEW DISCOVERY, INC.;
21 DISCOVERY BAY MARINA
22 PROPERTIES, a California General
23 Partnership; KEN HOFMANN;
24 WALTER L. YOUNG; RONALD
25 DAWSON; WALTER L. YOUNG and
26 MARY C. YOUNG, TRUSTEES OF
27 THE YOUNG REVOCABLE TRUST
28 DATED FEBRUARY 11, 1999; AND
DOES 1-100, inclusive,

Defendants.

CASE NO. C14-5035 WHA

Civil Rights

STIPULATED JOINT MOTION FOR
ADMINISTRATIVE RELIEF LIFTING
GENERAL ORDER 56's STAY OF
DISCOVERY AND ~~PROPOSED~~ ORDER
THEREON

[Pursuant to: Paragraph 9 of General Order 56
and Local Rules 7-11 and 7-12]

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1 COX WOOTTON LERNER GRIFFIN & HANSEN LLP
2 RUPERT P. HANSEN (SBN 082302)
3 CHRISTOPHER S. KIELIGER (SBN 209121)
4 JULIETTE B. McCULLOUGH (SBN 278929)
5 900 Front Street, Suite 350
San Francisco, CA 94111
Telephone: 415.438.4600
Facsimile: 415.438.4601

6 Attorneys for Defendant/Counterclaimant
7 DISCOVERY BAY YACHT HARBOR, LLC,
and Defendant KEN HOFMANN, individually

8
9 **STIPULATED ADMINISTRATIVE MOTION AND**
10 **REQUEST FOR ~~PROPOSED~~ ORDER**

11 COME NOW, Plaintiff/Counter-Defendant KELLY TOPPING, Plaintiff MAX WADMAN,
12 Defendant/Counterclaimant DISCOVERY BAY YACHT HARBOR, LLC ("DBYH LLC") and
13 Defendant KEN HOFMANN, being all the parties to the captioned action (the "PARTIES"), and
14 hereby submit the following Stipulated Motion for Administrative Relief Lifting General Order
15 56's Stay of Discovery in this action, and respectfully request that the Court issue the [proposed]
16 Order appended to this motion:

17 1. Plaintiffs MAX WADMAN and KELLY TOPPING filed a Complaint in this action on
18 November 14, 2014, alleging violations of the Americans with Disabilities Act of 1990 ("ADA"),
19 42 U.S.C. sections 12101 *et seq.*, California civil rights laws and common law tort claims against
20 Defendants; NEW DISCOVERY, INC.; DISCOVERY BAY MARINA PROPERTIES, a California
21 General Partnership; KEN HOFMANN; WALTER L. YOUNG; RONALD DAWSON; WALTER
22 L. YOUNG and MARY C. YOUNG, TRUSTEES OF THE YOUNG REVOCABLE TRUST
23 DATED FEBRUARY 11, 1999 (collectively, "Defendants").

24 2. On July 22, 2015, the mediator appointed in this case, Alex Tse, Esq., filed his Certification
25 of ADR Session reporting that the mediation process had concluded with a partial settlement of this
26 case.

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3. On September 2, 2015, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure the following Defendants were dismissed without prejudice, with each party to bear their own costs: NEW DISCOVERY, INC.; DISCOVERY BAY MARINA PROPERTIES, a California General Partnership; RONALD DAWSON; WALTER L. YOUNG; WALTER L. YOUNG and MARY C. YOUNG, TRUSTEES OF THE YOUNG REVOCABLE TRUST DATED FEBRUARY 11, 1999.

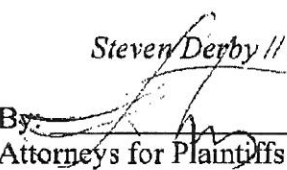
4. On September 16, 2015, a Consent Decree resolving the issue of injunctive relief was filed jointly by the PARTIES, and September 16, 2014, the Consent Decree was granted by an Order of the Court.

5. Pursuant to paragraph 9 of General Order 56 and Local Rules 7-11 and 7-12, the PARTIES hereby jointly stipulate to this motion and respectfully move the Court for an Order lifting the stay of discovery imposed by General Order 56 so that they may forthwith engage in discovery pursuant to the Federal Rules of Civil Procedure on the issues which have not been settled. The cut-off for lay discovery is December 18, 2015.

Dated: September 25, 2015

CELIA McGUINNESS, ESQ.
LAW OFFICES OF PAUL L. REIN
STEVE DERBY, ESQ.
DERBY DISABILITY LAW

Steven Derby // s //

By: 
Attorneys for Plaintiffs
MAX WADMAN and KELLY TOPPING

Dated: September 25, 2015

RUPERT P. HANSEN, ESQ.
COX WOOTTON LERNER GRIFFIN & HANSEN LLP

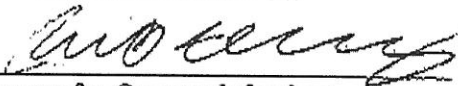
Rupert P. Hansen // s //

By: _____
Attorneys for Defendants KEN HOFMANN, individually,
and DISCOVERY BAY YACHT HARBOR, LLC

1 Dated: September 25, 2015

ROBERT M. MALTZ, ESQ.
STRATMAN, PATTERSON & HUNTER


Robert M. Maltz // s //

By: 
Attorneys for Counterdefendant
KELLY TOPPING

ORDER

Pursuant to stipulation, and for good cause shown, IT IS ORDERED that the stay of
discovery imposed in this case by General Order 56 is hereby lifted.

Dated: September 28, 2015


Honorable WILLIAM H. ALSUP
United States District Judge